

Remarks/Arguments:

The pending claims are 1-17. Claim 1 has been amended. Claims 16 and 17 have been added. No new matter is introduced therein.

Claims 1-15 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Kato et al. (U.S. Patent No. 6,175,990) in view of Lin (U.S. Patent No. 6,108,868).

Amended claim 1 recites, in part:

An opening and closing device adapted to be coupled to a moveable part of a second device, the opening and closing device comprising:

a case. . .

The amendment clarifies that the opening and closing device is separate from a second device, that the opening and closing device is coupled to the second device, and that the case is part of the opening and closing device.

The Office Action contends that Kato discloses a case 15a. Even if element 15a in Kato can be considered to be a case (a contention with which applicants disagree), element 15a is not a case of an opening and closing device that is adapted to be coupled to a moveable part of a second device. In Kato, the opening and closing devices are its hinge devices A and B shown in Figures 1-6. (col. 4, lines 9-19; col. 5, lines 44-46). Kato's opening and closing devices are coupled to portions 15a, 16a of portable telephone 17. (col. 5, lines 46-53). Amended claim 1 recites that a case is part of the opening and closing device. Amended claim 1 does not recite that the second device has a case. The Office Action's contention that element 15a of Kato anticipates the "case" recitation of amended claim 1 is incorrect because element 15a is part of the second device. Element 15a is not part of the opening and closing device. That is, it is not part of Kato's hinge device. For this reason alone, amended claim 1 is not subject to rejection under 35 U.S.C. § 103(a) as unpatentable over Kato et al. in view of Lin.

Amended claim 1 also recites, in part:

a case. . .including a first end face having a first through-hole in a center thereof.

The Office Action contends that element 15a (which it contends is a case meeting the recitations of amended claim 1) has a through-hole. Applicants agree that element 15a has a hole in its center. However, since element 15a is not part of a case of the opening and closing device, the hole in element 15a does not meet the recitation of a through-hole in a case of the opening and closing device. In addition, Figure 3 shows that there is no through-hole in element A. Instead, element A comprises a shaft 1 having a shaft portion 3 and a flange portion 2 at one end. (col. 4, lines 52-56).

Amended claim 1 also recites, in part:

a stator facing the first end face inside the case.

The Office Action contends that fixed cam 10 of Kato can be considered to be the stator recited in amended claim 1. Applicants respectfully disagree. Fixed cam 10 is not "inside the case" because element A does not have a case and there is nothing inside element A.

Amended claim 1 also recites, in part,

a lubricant means between the stator and the first end face of the case.

The Office Action agrees that Kato does not disclose a lubrication means. Since Lin discloses lubrication washers 80 in a positioning hinge, the Office Action contends it would have been obvious to include such a lubrication means between fixed cam 10 and rotary sliding cam 13 of Kato. Page 3 of the Office Action contends that it would have been obvious to use such a lubrication means "for the purpose of providing a reduction of friction during rotation, thus providing desired ease of pivoting of the hinge." Applicants respectfully disagree.

Figure 3 of Kato shows a friction plate 11 between flange 2 and fixed cam 10. (col. 5, lines 12-14). The use of a lubricating washer in Kato instead of, or in addition to, Kato's friction

plate 11 would counteract the friction plate and prevent the Kato device from operating as designed. Consequently, it would not have been obvious to insert and/or substitute a lubricating washer into the Kato device.

For all of the above reasons, amended claim 1 is not subject to rejection under 35 U.S.C. § 103(a) as unpatentable over Kato et al. in view of Lin. Since claims 2-15 all depend from amended claim 1, they are also not subject to rejection under 35 U.S.C. § 103(a) as unpatentable over Kato et al. in view of Lin for at least the same reasons that amended claim 1 is not subject to rejection.

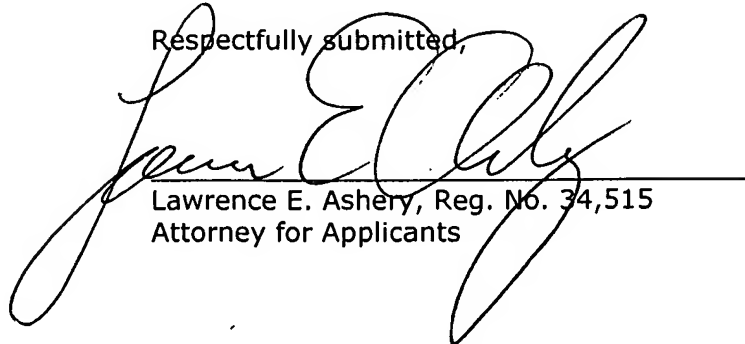
Newly added claims 16 and 17 also depend from amended claim 1. Claims 16 and 17 are supported at least by page 6, lines 5-8 of applicants' specification. Since claims 16 and 17 depend from amended claim 1, they are also not subject to rejection under 35 U.S.C. § 103(a) as unpatentable over Kato et al. in view of Lin for at least the same reasons that amended claim 1 is not subject to rejection. In addition, Lin does not disclose the type of lubricating means recited in claims 16 and 17. Instead, Lin discloses lubricant openings in lubricating washers 80 for containing additional lubricant. (col. 4, lines 31-33). Accordingly, for these additional reasons, claims 16 and 17 are not subject to rejection under 35 U.S.C. § 103(a) as unpatentable over Kato et al. in view of Lin.

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For all of the above reasons, applicants respectfully solicit allowance of all pending claims.

Respectfully submitted,



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